

HORSE CREEK CONTROLLED GROUNDWATER AREA

CRITERIA ADDENDUM TO APPLICATION FOR BENEFICIAL WATER USE PERMIT

AFTER THE WELL IS DRILLED, COMPLETE THIS FORM AND SUBMIT IT WITH A COPY OF THE WELL LOG.

Section 85-2-311(1), MCA, provides the Department shall approve a water use permit for an appropriation of water if the applicant proves by a preponderance of evidence the criteria listed below are met. It is the applicant's responsibility to provide credible, relevant and factual information upon which the Department may rely to support the issuance of a provisional permit.

1. What substantial, credible information or data do you have to prove there is water physically available at the proposed point of diversion in the amount you seek to appropriate?

2. What substantial, credible information or data do you have to prove water is legally available during the period and in the amount you request.

3. What substantial, credible information do you have to prove the proposed use of water will not adversely affect a prior appropriator using an existing water right, certificate, permit, or a state water reservation? How do you plan to regulate your use during times of shortage and control your diversion to ensure prior appropriators will be satisfied?

4. Describe the proposed means of diversion, construction and operation of the diversion works you intend to use and provide substantial, credible information to prove the means of diversion, construction and operation are adequate.

5. Provide substantial, credible information and data to prove the proposed use is a beneficial use of water and the flow rate and volume requested is reasonable for the proposed use.

PROJECT PLAN & TIME LINE: Once you receive a permit when will you complete installing equipment and begin using the water. _____

INSTRUCTIONS

FOR CRITERIA ADDENDUM

Information on the following may be used in support of your application and that the criteria can be met. The applicant has the burden to show that the criteria for issuance of a permit can be met. Complete the Addendum on the other side of these instructions with information concerning the following.

1. Physical Availability of Water

A well log indicating that the well was tested and that it sustained a rate sufficient to yield the amount of water you propose to put to beneficial use. A statement identifying this flow rate and that it can produce the volume needed each year.

2. Legal availability of Water

Review and attach a listing of existing water rights within a half-mile radius of your well. Identify the volume of water used by the existing water rights within the area and state what conditions you would accept to ensure your diversion does not interfere with their prior use of water.

3. Adverse Affect

What will you do to ensure senior water rights will not be adversely affected? Explain how your system can be adjusted or your use modified in time of shortage so as not to adversely affect existing water rights.

4. Adequate means of diversion, construction and operation

Indicate how your well will be constructed and by whom. What type of pump (submersible, jet pump, etc) and delivery system will be used? What if any storage or pressure tanks will be utilized?

5. Proposed use is a Beneficial Use

Explain what you plan to use the water for. What information did you use and how did you determine the actual pumping flow rate and volume of water you are requesting?

